

ESTTA Tracking number: **ESTTA490079**Filing date: **08/21/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	YOLO Board LLC		
Entity	LLC	Citizenship	FL
Address	820 N. County Hwy 393 Santa Rosa Beach, FL 32459 UNITED STATES		

Correspondence information	Betsy San Miguel YOLO Board LLC 820 N. County Hwy 393 Santa Rosa Beach, FL 32459 UNITED STATES betsysanmiguel@gmail.com Phone:7708537529
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**Applicant Information**

Application No	85570082	Publication date	08/21/2012
Opposition Filing Date	08/21/2012	Opposition Period Ends	09/20/2012
Applicant	Swapz LLC 6006 Burnside Landing Drive Burke, VA 22015 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 009. All goods and services in the class are opposed, namely: Eyewear, namely, sunglasses, eyeglasses, eyeglass and sunglass lenses, eyeglass and sunglass frames, and component parts for such frames in the nature of ear pieces, hinges, nose guards, chains, cords, and decorative covers for faceplates or ear stems
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Application No.	85666107	Application Date	06/29/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOLO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2007/03/01 First Use In Commerce: 2010/06/01 Bags and cases specially adapted for holding or carrying portable telephones and telephone equipment and accessories; Cases for eyeglasses and sunglasses; Eyeglass chains and cords; Eyeglass cords; Eyeglass retaining cords; Life belts; Life jackets; Navigational buoys; Protective eyewear; Safety products, namely, reflective safety bands to be worn on the body; Sport whistles; Sports eyewear; Sports glasses; Sun glasses; Sunglass chains and cords

Attachments	85666107#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition YOLO Eyewear.txt ( 2 pages )(3224 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/betsysanmiguel/
Name	Betsy San Miguel
Date	08/21/2012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
In the matter of trademark Serial No...85570082..  
For the mark.....YOLO EYEWEAR.....  
Published in the Official Gazette on August 21, 2012.....  
YOLO Board, LLC

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Opposer

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v.

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NOTICE OF OPPOSITION

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Swapz LLC  
)  
Applicant

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NOTICE OF OPPOSITION  
Opposer, Yolo Board LLC is the owner of U.S Registration 3473154 for YOLO BOARD that was issued on July 22, 2008 and has an address at 820 N. County Hwy 393, Santa Rosa Beach, FL 32459 (?Opposer?). YOLO Board, LLC additionally owns Registration Nos. 3596410, 4182359, 4182358, 4182365, 4189936. YOLO Board LLC has an application for a similar mark, applied for Serial No. 85666107 in class 009.  
To the best of Opposer?s knowledge, the name and address of the applicant of US Serial No. 85570082 under filing basis 1B in class 009 is Swapz LLC with an address at 6006 Burnside Landing Drive, Burke, VA 22015 (?Applicant?).

Opposer would be damaged by the registration of intent to use for the mark YOLO EYEWEAR to Applicant and hereby opposes the same.  
The grounds for opposition are as follows:

1. Opposer operates a business under the name YOLO Board LLC and al so operates a website the domain name www.yoloboard.com since 2007. The opposer sells standup paddleboards, apparel, accessories and sports bags and other related items under the trademarks YOLO BOARD with additional applications for the trademark YOLO now published for opposition or applied for, including YOLO for class 009. Opposer has sold a number of products in international class 009 including but not limited to sunglass and eyeglass lanyards depicting the marks YOLO and YOLO Board since June 2010. Opposer has invested a significant amount of money in developing and promoting its business and protecting its trademark. Opposer believes that the registration of YOLO EYEWEAR for use in connection with "sunglasses, eyeglasses, eyeglass and sunglass lenses, eyeglass and sunglass frames, etc?" will jeopardize opposer's ability to use the marks YOLO and YOLO BOARD to adequately distinguish opposer's goods and services. (specimen attached)

2. Opposer has been using the mark ?YOLO? and ?YOLO BOARD? since at least March 1, 2007, and has secured the following: Registration No. 3473154 for YOLO BOARD on July 22, 2008, Registration. No. 3596410 for YOLO Yak on March 24, 2009, Registration No. 4182365 for YOLO on July 31, 2012, Registration No. 4182358 for YOLO Board on July 31, 2012, and

Registration No. 4182359 for YOLO on July 31, 2012 and YOLO YOGA on August 14, 2012. Additionally opposer has been using the marks "YOLO" and "YOLO BOARD" for goods in class 009 since at least June 2010, specifically those related to eyewear.

Claim for Relief

Considering the foregoing, the mark "YOLO EYEWEAR" is confusingly similar and likely to create confusion for our customers.

Wherefore

for the reasons stated above, petitioner opposes granting an "intent to use" for Serial No 85570082.

By Betsy San Miguel

Date

August 21, 2012

(partner in YOLO Board, LLC)